

Atty. Docket No. YOR920010539US1
(590.076)

REMARKS

Please note the fact that October 8, 2007 was a Federal Holiday (Columbus Day) ensures that this paper is timely filed as of today, Tuesday, October 9, 2007 (the next succeeding day which is not a Saturday, Sunday, or Federal Holiday).

Claims 1-21 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 11, and 21 are independent claims; the remaining claims are dependent claims.

Claims 1-3, 11-13, and 21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6073096 (Gao et al.); Claims 4-10 and 14-20 have been rejected under 35 U.S.C. § 103(a) as being obvious in light of Gao et al. in combination with U.S. Patent No. 6343267 (Kuhn et al.). Reconsideration and withdrawal of these rejections is respectfully requested.

All of the pending claims as amended herein now depend from (and thus incorporate the subject matter of) Claims 1, 11, and 21 to require "*obtaining untrained speech and audio data as input data*". (See specification @ p.7 ln.9-10.) Instead of teaching or suggesting these claimed feature(s), Gao teaches that "... [t]he present invention relates to speech recognition and, more particularly, to a system and method of speech recognition based on *pre-clustering of training models for continuous speech recognition....*". (See Gao et al @ col.4 ln.60 – col.7 ln.48 & col.8 ln.43 – col.10 ln.2.) Gao thus teaches away from these claimed feature(s) and therefore cannot be properly

Atty. Docket No. YOR920010539US1
(590.076)

asserted either alone or in combination with the teachings of Kuhn et al. (or any other cited reference) as a basis for rejection.

Applicants are not conceding in this application the claims amended herein are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicants specifically state no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

In view of the foregoing, it is respectfully submitted that independent Claims 1, 11, and 21 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claims 1 and 11, it is thus also submitted that Claims 2-10 and 12-20 are also allowable at this juncture.

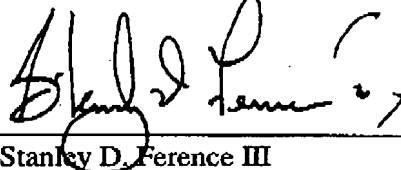
The "prior art made of record" has been reviewed. Applicants acknowledge that such prior art was not deemed by the Office to be sufficiently relevant as to have been applied against the claims of the instant application. To the extent that the Office may apply such prior art against the claims in the future, Applicants will be fully prepared to respond thereto.

In summary, it is respectfully submitted that the instant application, including Claims 1-21, is presently in condition for allowance. Notice to the effect is hereby

Atty. Docket No. YOR920010539US1
(590.076)

earnestly solicited. If there are any further issues in this application, the Examiner is
invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 35195
FERENCE & ASSOCIATES LLC
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants